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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DEFENDANTS' STATEMENT ISO
PLAINTIFFS' ADMINISTRATIVE
MOTIONS TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIALS
SHOULD BE SEALED [ECF NOS. 1135
AND 1158]**

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

DEFENDANTS' STATEMENT ISO PLAINTIFFS' ADMINISTRATIVE MOTIONS
TO CONSIDER WHETHER ANOTHER PARTY'S MATERIALS SHOULD
BE SEALED

DEFENDANTS' STATEMENT IN SUPPORT OF SEALING**CONFIDENTIAL MATERIALS**

Pursuant to Civil Local Rules 79-5(f)(3) and (c)(1) and the Protective Order entered in this case dated December 28, 2023, ECF 176 ("Protective Order"), Defendants Uber Technologies, Inc., Rasier, LLC, Rasier-CA, LLC (collectively "Uber"), respectfully submit this statement in support of Plaintiffs' Administrative Motions to Consider Whether Another Party's Material Should Be Filed Under Seal, dated August 19 and August 20, 2024, ECF Nos. 1135 and 1158 (collectively, "Plaintiffs' Motion").

I. BACKGROUND AND REQUESTED SEALING

Plaintiffs' Motion concerns 46 documents:

| Document | Description | Designating Party |
|--|--|-------------------|
| Exhibit 1 to the Declaration of Roopal Luhana In Support of Plaintiffs' Motion to Compel Custodial Discovery | A document containing employee names and confidential employment information, created by Uber for purposes of meet and conferrals by the Parties, designated Highly Confidential – Attorneys' Eyes Only. | Uber |
| Ex. 2 to Declaration of Roopal Luhana | A document containing employee names and confidential employment information, created by Uber for purposes of meet and conferrals by the Parties, designated Highly Confidential – Attorneys' Eyes Only. | Uber |
| Ex. 4 to Declaration of Roopal Luhana | A document containing employee names and confidential employment information, created by Uber for purposes of meet and conferrals by the Parties, designated Highly Confidential – Attorneys' Eyes Only. | Uber |
| Ex. 7 to Declaration of Roopal Luhana | A chart created by Uber for purposes of meet and conferrals by the Parties, containing confidential material, designated Highly Confidential – Attorneys' Eyes Only. | Uber |
| Ex. 8 to Declaration of Roopal Luhana | A chart created by Uber for purposes of meet and conferrals by the Parties, containing confidential material, designated Highly Confidential – Attorneys' Eyes Only. | Uber |
| Ex. 9 to Declaration of Roopal Luhana | A chart created by Plaintiffs for purposes of meet and conferrals by the Parties, containing confidential material. | Uber |
| Ex. 10 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys' Eyes Only. | Uber |

| Document | Description | Designating Party |
|--|--|-------------------|
| Ex. 11 to Declaration of Roopal Luhana | A document containing confidential material, including employment information. | Uber |
| Ex. 12 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 13 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 14 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 15 to Declaration of Roopal Luhana | An internal presentation produced by Uber in this litigation, containing confidential business information, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 16 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 17 to Declaration of Roopal Luhana | A compliance report containing confidential business information provided to a regulator and produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 18 to Declaration of Roopal Luhana | A transcript of the deposition of an Uber employee containing confidential information, produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 19 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 20 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 21 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 22 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 23 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 24 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 25 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 26 to Declaration of Roopal Luhana | A chart containing confidential business and employment information.. | Uber |
| Ex. 27 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 28 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 29 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |

| Document | Description | Designating Party |
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| Ex. 30 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 31 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 32 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 33 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 34 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 35 to Declaration of Roopal Luhana | A document produced by Uber in this litigation containing confidential business and employment information, designated Confidential. | Uber |
| Ex. 36 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 37 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 38 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 39 to Declaration of Roopal Luhana | A transcript of the deposition of an Uber employee, produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 40 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 41 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 42 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 43 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 44 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Highly Confidential – Attorneys’ Eyes Only. | Uber |
| Ex. 45 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 46 to Declaration of Roopal Luhana | An email produced by Uber in this litigation, designated Confidential. | Uber |
| Ex. 47 to Declaration of Roopal Luhana | A document produced by Uber in this litigation containing confidential business policies and procedures, designated Confidential. | Uber |

| Document | Description | Designating Party |
|--|---|-------------------|
| Ex. 48 to Declaration of Roopal Luhana | A document produced by Uber in this litigation containing confidential business policies and procedures, designated Confidential. | Uber |
| Ex. 49 to Declaration of Roopal Luhana | A chart created by Uber for purposes of meet and conferrals by the Parties, containing confidential material. | Uber |

These documents contain confidential and commercially sensitive business information that would harm Uber's competitive standing if the documents were made public. Additionally, the documents contain the personal information of many current and former Uber employees. Uber therefore submits this statement requesting that the Court seal the documents under Local Rule 79-5(f)(3).

II. LEGAL STANDARD

Documents which do not relate directly to the merits of a case are properly sealed when a moving party makes "a particularized showing under the good cause standard of Rule 26 (c)" *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal quotations omitted); *Ctr. For Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Federal Rule of Civil Procedure 26(c) states that good cause may exist when issuing an order to seal is necessary to "protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense". Fed. R. Civ. P. 26(c).

The documents at issue here do not relate directly to the merits of the case because they are submitted to the Court in support of a discovery motion. *See United States v. Selugh*, 896 F. 3d 1007, 1015 (9th Cir. 2018); *Brown v. Google LLC*, No. 20-cv-03664-YGR (SVK), 2022 WL 4227545, at *1; *Adtrader, Inc. v. Google LLC*, No. 17-cv-07082-BLF 2020 WL 6387381 at *1 (N.D. Cal. Feb. 24, 2020). Discovery motion materials "are actually one step further removed in public concern from the trial process than the discovery materials themselves." *Selugh*, 896 F. 3d at 1015. District Courts have discretion to balance the interests of private parties and public disclosure when deciding to seal documents. *Kamakana*, 447 F.3d at 1180.

III. UBER'S MATERIAL SHOULD BE KEPT UNDER SEAL

The Exhibits to the Declaration of Roopal Luhana In Support of Plaintiffs' Motion to Compel Custodial Discovery at issue here should be sealed under the good cause standard. These documents contain sensitive non-public information including personally identifiable information, commercially sensitive information, and business information. *See* Shortnacy Decl. ¶¶ 2-20. Uber has a legitimate interest in sealing the documents in order to avoid harm to its competitive standing. There are no less restrictive alternatives to sealing these documents.

A. Failing to Seal the Documents Would Harm Uber as Well as Many of Uber's Current and Former Employees

The public disclosure of the exhibits to the Declaration of Roopal Luhana In Support of Plaintiffs' Motion to Compel Custodial Discovery at issue will cause undue harm. *See* Shortnacy Decl. ¶¶ 2-20.

Exhibit 1 to the Declaration of Roopal Luhana In Support of Plaintiffs' Motion to Compel Custodial Discovery: a chart created by Uber and shared with Plaintiffs for meet and confer purposes which lists dozens of current and former Uber Employees by name, title, dates of employment, and non-public internal job responsibilities. The document was designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by Uber in this litigation. *See* Shortnacy Decl. ¶ 3. Uber has not agreed to designate many of these employees as custodians of ESI, and as such their relevance to the underlying matter is in dispute. Unsealing the documents would create a high probability of annoyance, embarrassment and undue burden or expense for the employees.

Exhibit 2 to the Declaration of Roopal Luhana In Support of Plaintiffs' Motion to Compel Custodial Discovery: a document created by Uber and shared with Plaintiffs for meet and confer purposes which details non-public information about the roles and responsibilities of many senior Uber employees and executives. The document was designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by Uber in this litigation. *See* Shortnacy Decl. ¶ 4. Uber has not agreed to designate many of these employees as custodians of ESI, and as such their relevance to the underlying matter is in dispute. Unsealing the documents would create a high probability of

1 annoyance, embarrassment and undue burden or expense for the employees.

2 **Exhibit 4 to the Declaration of Roopal Luhana:** a chart created by Uber and shared with
 3 Plaintiffs for meet and confer purposes which lists dozens of current and former Uber Employees by
 4 name, title, dates of employment, and non-public internal job responsibilities. *See* Shortnacy Decl. ¶
 5 5. The document was designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by
 6 Uber in this litigation. *See id.* Uber has not agreed to designate many of these employees as custodians
 7 of ESI, and as such their relevance to the underlying matter is in dispute. Unsealing the documents
 8 would create a high probability of annoyance, embarrassment and undue burden or expense for the
 9 employees.

10 **Exhibit 7 to the Declaration of Roopal Luhana:** a document created by Uber and shared
 11 with Plaintiffs for meet and confer purposes which contains commercially sensitive non-public
 12 information that would harm Uber’s marketplace standing if sealing is denied as well. *See* Shortnacy
 13 Decl. ¶ 6. The document is a chart of JCCP custodians and details non-public information about the
 14 number of documents for each custodian by year. The document was designated “HIGHLY
 15 CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by Uber in this litigation. *See id.*

16 **Exhibit 8 to the Declaration of Roopal Luhana:** a document created by Uber and shared
 17 with Plaintiffs for meet and confer purposes which contains commercially sensitive non-public
 18 information that would harm Uber’s marketplace standing if sealing is denied as well. *See* Shortnacy
 19 Decl. ¶ 7. The document is a chart of JCCP custodians and details non-public information about the
 20 number of documents for each custodian by year. The document was designated “HIGHLY
 21 CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by Uber in this litigation. *See id.*

22 **Exhibit 9 to the Declaration of Roopal Luhana:** a table created by Plaintiffs which contains
 23 commercially sensitive non-public information that would harm Uber’s marketplace standing if
 24 sealing is denied as well as personal identifying information. *See* Shortnacy Decl. ¶ 8. The document
 25 lists the details of several Uber employees’ non-public job duties and dates of employment as well as
 26 links to their social media profiles, and incorporates information from confidential documents
 27 produced by Uber in this litigation. Uber has not agreed to designate many of these employees as

1 custodians of ESI, and as such their relevance to the underlying matter is in dispute. Unsealing the
 2 documents would create a high probability of annoyance, embarrassment and undue burden or expense
 3 for the employees.

4 **Exhibit 10 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 5 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 6 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 7 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 8 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 9 Decl. ¶ 9.

10 **Exhibit 11 to the Declaration of Roopal Luhana:** a table listing dozens of Uber employees
 11 and executives by name, title, and non-public information about job responsibilities and roles with
 12 respect to Uber’s U.S. Safety Report. It contains commercially sensitive non-public information that
 13 would harm Uber’s marketplace standing if sealing is denied. *See* Shortnacy Decl. ¶ 10. Uber has not
 14 agreed to designate many of these employees as custodians of ESI, and as such their relevance to the
 15 underlying matter is in dispute. Unsealing the documents would create a high probability of
 16 annoyance, embarrassment and undue burden or expense for the employees.

17 **Exhibit 12 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 18 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 19 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 20 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 21 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 22 Decl. ¶ 9.

23 **Exhibit 13 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 24 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 25 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 26 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 27 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

Exhibit 14 to the Declaration of Roopal Luhana: internal Uber emails which were produced under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing several Uber employees by name. *See Shortnacy Decl.* ¶ 9.

Exhibit 15 to the Declaration of Roopal Luhana: a document created by Uber which contains commercially sensitive non-public information that would harm Uber’s marketplace standing if sealing is denied. The document is a presentation containing confidential information regarding Uber’s safety policies and commitment to transparency. *See Shortnacy Decl.* ¶ 11. The document was designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by Uber in this litigation.

Exhibit 16 to the Declaration of Roopal Luhana: internal Uber emails which were produced under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They contain commercially sensitive non-public information that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing several Uber employees by name. *See Shortnacy Decl.* ¶ 9.

Exhibit 17 to the Declaration of Roopal Luhana: an internal Rasier, LLC Compliance Report which contains commercially sensitive non-public information that would harm Uber’s marketplace standing if sealing is denied. The document was provided to a regulator and states on its face that it contains trade secrets and confidential business and financial information and is exempt from public disclosure. *See Shortnacy Decl.* ¶ 12. The document was designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by Uber in this litigation.

Exhibit 18 to the Declaration of Roopal Luhana: a transcript of the deposition of an Uber employee, subject to a protective order designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY SUBJECT TO PROTECTIVE ORDER”. It contains commercially sensitive non-public information that would harm Uber’s marketplace standing if sealing is denied. *See Shortnacy Decl.* ¶ 13.

1 **Exhibit 19 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 2 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 3 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 4 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 5 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 6 Decl. ¶ 9.

7 **Exhibit 20 to the Declaration of Roopal Luhana:** an internal Uber email which was produced
 8 under seal by Uber. The email was designated “CONFIDENTIAL” by Uber in this litigation. It
 9 contains commercially sensitive non-public information that would harm Uber’s marketplace standing
 10 if sealing is denied. Specifically, it details Uber’s strategy and business decisions as well as listing
 11 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

12 **Exhibit 21 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 13 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 14 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 15 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 16 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

17 **Exhibit 22 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 18 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 19 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 20 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 21 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

22 **Exhibit 23 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 23 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 24 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 25 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 26 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 27 Decl. ¶ 9.

1 **Exhibit 24 to the Declaration of Roopal Luhana:** an internal Uber email which was produced
 2 under seal by Uber. The email was designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES
 3 ONLY” by Uber in this litigation. It contains commercially sensitive non-public information that
 4 would harm Uber’s marketplace standing if sealing is denied. Specifically, it details Uber’s strategy
 5 and business decisions as well as listing several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

6 **Exhibit 25 to the Declaration of Roopal Luhana:** an internal Uber email which was produced
 7 under seal by Uber. The email was designated “CONFIDENTIAL” by Uber in this litigation. It
 8 contains commercially sensitive non-public information that would harm Uber’s marketplace standing
 9 if sealing is denied. Specifically, it details Uber’s strategy and business decisions as well as listing
 10 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

11 **Exhibit 26 to the Declaration of Roopal Luhana:** a table showing non-public information
 12 such as the names, titles, start dates, direct supervisors, and locations of several Uber employees. It
 13 contains commercially sensitive non-public information that would harm Uber’s marketplace standing
 14 if sealing is denied as well as personal identifying information. Uber has not agreed to designate many
 15 of these employees as custodians of ESI, and as such their relevance to the underlying matter is in
 16 dispute. Unsealing the documents would create a high probability of annoyance, embarrassment and
 17 undue burden or expense for the employees. *See* Shortnacy Decl. ¶ 14.

18 **Exhibit 27 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 19 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 20 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 21 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 22 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

23 **Exhibit 28 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 24 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 25 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 26 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 27 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

1 **Exhibit 29 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 2 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 3 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 4 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 5 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

6 **Exhibit 30 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 7 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 8 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 9 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 10 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

11 **Exhibit 31 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 12 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 13 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 14 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 15 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 16 Decl. ¶ 9.

17 **Exhibit 32 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 18 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 19 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 20 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 21 several Uber employees by name. *See* Shortnacy Decl. ¶ 39.

22 **Exhibit 33 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 23 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 24 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 25 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 26 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

27 **Exhibit 34 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 28

1 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 2 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 3 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 4 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

5 **Exhibit 35 to the Declaration of Roopal Luhana:** a document created by Uber which
 6 contains commercially sensitive non-public information that would harm Uber’s marketplace standing
 7 if sealing is denied. The document details a proposed business strategy, as well as employee
 8 information and their non-public roles and responsibilities. The document was designated
 9 “CONFIDENTIAL” by Uber in this litigation. *See* Shortnacy Decl. ¶ 15.

10 **Exhibit 36 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 11 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 12 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 13 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 14 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

15 **Exhibit 37 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 16 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 17 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 18 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 19 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 20 Decl. ¶ 9.

21 **Exhibit 38 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 22 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 23 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 24 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 25 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 26 Decl. ¶ 9.

27 **Exhibit 39 to the Declaration of Roopal Luhana:** a transcript of the deposition of an Uber
 28

1 employee marked “CONFIDENTIAL – ATTORNEYS’ EYES ONLY”. The transcript was designated
 2 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by Uber in this litigation. It contains
 3 commercially sensitive non-public information that would harm Uber’s marketplace standing if
 4 sealing is denied. *See* Shortnacy Decl. ¶ 16.

5 **Exhibit 40 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 6 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 7 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 8 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 9 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 10 Decl. ¶ 9.

11 **Exhibit 41 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 12 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 13 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 14 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 15 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 16 Decl. ¶ 9.

17 **Exhibit 42 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 18 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 19 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 20 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 21 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 22 Decl. ¶ 9.

23 **Exhibit 43 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 24 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 25 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 26 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 27 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

1 **Exhibit 44 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 2 under seal by Uber. The emails were designated “HIGHLY CONFIDENTIAL – ATTORNEYS’
 3 EYES ONLY” by Uber in this litigation. They contain commercially sensitive non-public information
 4 that would harm Uber’s marketplace standing if sealing is denied. Specifically, they detail Uber
 5 strategy and business decisions as well as listing several Uber employees by name. *See* Shortnacy
 6 Decl. ¶ 9.

7 **Exhibit 45 to the Declaration of Roopal Luhana:** internal Uber emails which were produced
 8 under seal by Uber. The emails were designated “CONFIDENTIAL” by Uber in this litigation. They
 9 contain commercially sensitive non-public information that would harm Uber’s marketplace standing
 10 if sealing is denied. Specifically, they detail Uber strategy and business decisions as well as listing
 11 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

12 **Exhibit 46 to the Declaration of Roopal Luhana:** an internal Uber email which was produced
 13 under seal by Uber. The email was designated “CONFIDENTIAL” by Uber in this litigation. It
 14 contains commercially sensitive non-public information that would harm Uber’s marketplace standing
 15 if sealing is denied. Specifically, it details Uber’s strategy and business decisions as well as listing
 16 several Uber employees by name. *See* Shortnacy Decl. ¶ 9.

17 **Exhibit 47 to the Declaration of Roopal Luhana:** a document created by Uber which
 18 contains commercially sensitive non-public information that would harm Uber’s marketplace standing
 19 if sealing is denied. The document details Uber’s confidential business policies and procedures. *See*
 20 Shortnacy Decl. ¶ 17. The document was designated “CONFIDENTIAL” by Uber in this litigation.
 21 *See id.*

22 **Exhibit 48 to the Declaration of Roopal Luhana:** a document created by Uber which
 23 contains commercially sensitive non-public information that would harm Uber’s marketplace standing
 24 if sealing is denied. The document details Uber’s confidential business policies and procedures. *See*
 25 Shortnacy Decl. ¶ 17. The document was designated “CONFIDENTIAL” by Uber in this litigation.
 26 *See id.*

27 **Exhibit 49 to the Declaration of Roopal Luhana:** a document created by Uber and shared
 28

with Plaintiffs for meet and confer purposes which details non-public information about disputed custodians, containing information about the overlap between these and other proposed custodians. *See Shortnacy Decl. ¶ 18.* Uber has not agreed to designate many of these employees as custodians of ESI, and as such their relevance to the underlying matter is in dispute. Unsealing the documents would create a high probability of annoyance, embarrassment and undue burden or expense for the employees.

B. A Less Restrictive Alternative to Sealing is Insufficient to Prevent Harm

The Exhibits to the Declaration of Roopal Luhana In Support of Plaintiffs' Motion to Compel Custodial Discovery contain information that Uber's statement is intended to protect from publication. *See Shortnacy Decl. ¶¶ 2-18.* Actions short of sealing the documents would not protect the privacy interests of Uber or its employees.

IV. CONCLUSION

For the foregoing reasons, Uber respectfully requests that the Court order that the to the Declaration of Roopal Luhana In Support of Plaintiffs' Motion to Compel Custodial Discovery be maintained under seal.

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Respectfully submitted,

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